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WILLIAM MULLER and ANTONIO KNEZEVICH,  
individually and on behalf of all others similarly situated

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN RE UKG INC CYBERSECURITY  
LITIGATION

Master Docket No. 3:22-00346-SI

CLASS ACTION

THIS DOCUMENT RELATES TO:

**STIPULATION RE TAKING MOTION  
TO DISMISS OF CALENDAR**

All actions

Date: November 18, 2022  
Time: 10:00 a.m.  
Judge: Hon. Susan Illston  
Courtroom: 1

1 WHEREAS, on August 5, 2022, defendant UKG Inc. filed a motion to dismiss pursuant  
2 to Fed. R. Civ. P. 12(b)(6), which noticed the hearing date on the motion for November 18, 2022,  
3 at 10:00 a.m. (*see* Docket Item No. 39);

4 WHEREAS, on August 17, 2022, September 13, 2022, and September 27, 2022, the  
5 Court entered orders approving of the parties' stipulations regarding the briefing schedule for the  
6 motion, which most recently set the due date for Plaintiffs' opposition to the motion on October  
7 14, 2022, and the due date for Defendant's reply in support of the motion on November 4, 2022  
8 (*see* Docket Item No. 48; Docket Item No. 50; Docket Item No. 52);

9 WHEREAS, the parties agreed to the stipulated briefing schedule and subsequent  
10 modifications in part to accommodate a planned mediation scheduled for September 8, 2022;

11 WHEREAS, the parties conducted the mediation on September 8, 2022;

12 WHEREAS, the parties did not reach a settlement agreement on September 8, 2022, but  
13 continued to explore settlement discussions with the aid of the mediator in the weeks following  
14 the mediation;

15 WHEREAS, the parties have now reached an agreement in principle regarding settlement  
16 and are working to finalize terms and details of the settlement agreement;

17 WHEREAS, in light of the parties' agreement in principle to settlement, the parties desire  
18 to take off calendar defendant's motion to dismiss and focus their efforts on finalization of the  
19 settlement agreement and a forthcoming motion for preliminary approval;

20 NOW, THEREFORE, the parties hereby stipulate and agree that: 1) the motion to dismiss  
21 be taken off calendar; 2) that all related dates, including the due dates for any opposition or reply  
22 to the motion, be vacated; 3) that the motion be subject to defendant re-noticing the motion for  
23 hearing as may be appropriate in the event the parties do not finalize the terms of settlement; and  
24 4) that the Court schedule a status conference regarding the status of settlement for  
25 approximately 60 days after the date of this stipulation.

26  
27  
28 ///

1 IT IS SO STIPULATED.

2 Respectfully Submitted,

3 Dated: October 11, 2022

4 **ALEXANDER MORRISON & FEHR LLP**

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26 Dated: October 11, 2022

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Dated: October 11, 2022

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Dated: October 11, 2022

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*Counsel for Defendant UKG Inc.*

1 **PROPOSED ORDER**

2 The Court, having considered the stipulation and, good cause appearing, hereby orders as  
3 follows:

- 4 1. Defendant's motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6), previously set for  
5 hearing on November 18, 2022, at 10:00 a.m., is taken off calendar.
- 6 2. All dates related to the motion to dismiss, including the due date for any opposition  
7 and reply, are hereby vacated.
- 8 3. The motion to dismiss shall be subject to re-noticing for hearing as may be  
9 appropriate in the event the parties do not finalize the terms of settlement.
- 10 4. A status conference regarding the status of settlement is hereby scheduled for  
11 December \_\_, 2022. The parties may file a stipulation to vacate the conference in  
12 the event the parties file a motion for preliminary approval of settlement prior to the  
13 date of the conference.

14 IT IS SO ORDERED.

15 Dated: October \_\_, 2022

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17 Hon. Susan Illston  
18 United States District Judge  
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Dated: October 11, 2022

By: /s/ Dimitrios V. Korovilas  
Dimitrios V. Korovilas